

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 Stephen Zarate,

4 Petitioner

5 v.

6 Clark County Detention Center,

7 Respondent

Case No.: 2:22-cv-01448-JAD-BNW

Order Dismissing Action

8 On September 6, 2022, Stephen Zarate, who is apparently incarcerated at the Clark
9 County, Nevada, Detention Center, filed an application to proceed *in forma pauperis*,¹ initiating
10 this action. I summarily dismiss this action because Zarate has not paid the filing fee, has not
11 filed a complete application to proceed *in forma pauperis*, and has not submitted a petition for
12 writ of habeas corpus.

13 Zarate's application to proceed *in forma pauperis* is incomplete because the financial
14 certificate in the application is not signed by a detention center officer. For this reason, I deny
15 Zarate's *in forma pauperis* application. And, because Zarate has not paid the filing fee and has
16 not filed a proper *in forma pauperis application*, I also dismiss this case.

17 Furthermore, while it appears from Zarate's *in forma pauperis* application that he
18 intended to initiate a habeas corpus action, he has not submitted a petition for writ of habeas
19 corpus. So I dismiss this action on this further and alternative ground. This dismissal is without
20 prejudice to Zarate initiating a new habeas corpus action by submitting a habeas petition along
21 with payment of the filing fee or a proper application to proceed *in forma pauperis*. I direct the
22 Clerk to send Zarate the necessary forms.

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¹ ECF No. 1.

1 IT IS THEREFORE ORDERED that Petitioner's Application to Proceed *in Forma*
2 *Pauperis* (ECF No. 1) is **DENIED**.

3 IT IS FURTHER ORDERED that **this action is DISMISSED** without prejudice, and the
4 Clerk of the Court is directed to **ENTER JUDGMENT ACCORDINGLY** and **CLOSE THIS**
5 **CASE. A certificate of appealability is DENIED** because jurists of reason would not find
6 debatable whether the Court is correct in dismissing this action.

7 IT IS FURTHER ORDERED that **the Clerk of the Court is directed to:**

- 8 • **ADD** Aaron D. Ford, Attorney General of the State of Nevada, to the docket for
9 this case, as counsel for the Respondents.
- 10 • **SERVE** the Respondents with a copy of the habeas petition (ECF No. 1) and a
11 copy of this order. Respondents need take no action with respect to this case.
- 12 • **SEND** Petitioner a copy of the forms for an application to proceed *in forma*
13 *pauperis*, a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, and a
14 petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

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17 U.S. District Judge Jennifer A. Dorsey
September 16, 2022
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